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## FREEDOM IN THE WORLD

0

## Ghana

Ghana | Freedom in the World 2014

2014

## OVERVIEW:

On August 29, 2013, the Supreme Court dismissed an election petition filed by the National Patriotic Party (NPP) challenging the results of the December 2012 presidential election, and reaffirmed John Mahama of the National Democratic Congress (NDC) as the duly elected president. The Supreme Court hearings on the case, which began in April and continued for nearly 50 days of sittings, were broadcast live on television and radio, enhancing the transparency of the process. While the final judgment highlighted several instances of electoral irregularities, the court ruled that these were not sufficient to have affected the overall result of the presidential election. NPP presidential candidate Nana Akufo-Addo promptly accepted the Supreme Court verdict, and other members of the NPP honored Akufo-Addo's request not to launch an appeal. Ghanaians, including NPP supporters, reacted peacefully to the announcement of the verdict.

Ghana's economy continues to experience high rates of economic growth, due mainly to revenues from oil and gas production at the Jubilee offshore oilfield, which was discovered in 2007. However, many international and domestic stakeholders expressed concerns about the government's ability to manage the economy effectively and transparently. During 2013, Ghana missed its fiscal deficit targets and experienced double-digit inflation rates, while the government struggled to reduce corruption.

Ghana's strong economic and diplomatic ties to China, the country's largest provider of aid and second largest trading partner, remain relatively robust, despite the arrest of 169 Chinese citizens in a crackdown on illegal gold-mining operations during May and June and Ghana's subsequent deportation of approximately 4,600 undocumented Chinese immigrants.

## POLITICAL RIGHTS AND CIVIL LIBERTIES:

**Political Rights:** 37 / 40 [Key]**A. Electoral Process:** 12 / 12

## 2014 SCORES

STATUS

Free

FREEDOM RATING  
(1 = BEST, 7 = WORST)

1.5

CIVIL LIBERTIES  
(1 = BEST, 7 = WORST)

2

POLITICAL RIGHTS  
(1 = BEST, 7 = WORST)

1

Since 1992, Ghana has experienced an uninterrupted period of competitive multiparty elections. The president and vice president are directly elected on the same ticket for up to two four-year terms. Members of the unicameral, 275-seat Parliament are also elected for four-year terms.

On December 7, 2012, Mahama was elected with just 50.7 percent of the vote, while Akufo-Addo took 47.7 percent. In concurrent parliamentary elections, the NDC captured 148 seats and the NPP took 123. Limited technical problems, including the breakdown of some new biometric voter machines used to register and identify voters, led to the extension of voting by a day at many polling places. Although international and domestic observers praised the elections as free, fair, and peaceful, the opposition disputed the results and questioned the neutrality of the Electoral Commission (EC). On December 28, 2012, the NPP filed a legal suit before the Supreme Court contesting the presidential election results. The NPP's suit claimed that violations of the electoral law and widespread irregularities should invalidate some 4.6 million votes from over 11,000 polling stations.

The Supreme Court began hearing the case in April 2013 and rendered its final judgment on August 29. The nine-member panel of justices dismissed the NPP's petition, and ruled that Mahama had been fairly elected. For many domestic and international observers, the peaceful resolution of the legal challenge underscored the consolidation of democracy and respect for rule of law in Ghana.

Some problems that arose in the administration of the 2012 elections have led to calls from civil society groups for electoral reforms—such as a more inclusive process of appointing EC commissioners and the adoption of statutory guidelines to govern election timetables—as steps to help avoid another disputed election.

#### **B. Political Pluralism and Participation: 15 / 16**

Two rival parties, the NPP and the NDC, dominate the political system. Ghana's multiparty system provides ample opportunity for the meaningful participation of opposition parties in the political process. The country has experienced two peaceful, democratic transfers of power between presidents from the opposing NPP and NDC, in 2000 and in 2008. Moreover, the legal framework provides for equal participation in political life for the country's various cultural, religious, and ethnic minorities.

#### **C. Functioning of Government: 10 / 12**

Political corruption continues to be a problem, despite the existence of robust legal and institutional frameworks to combat it. During 2013, the media, nongovernmental organizations (NGOs), and opposition parties criticized the NDC administration for its inability to reduce corruption and prosecute officials suspected of malfeasance. In April, a ministerial committee was established to investigate government officials affiliated with the Ghana Youth Employment and Entrepreneurial Development Agency (GYEEDA) who allegedly granted

interest-free loans worth \$100 million to several private companies without parliamentary approval. In November, Mahama announced a raft of initiatives to address the GYEEDA controversy including the suspension of exiting GYEEDA contracts, the recovery of misappropriated funds, and the development of legislation to enhance GYEEDA transparency and accountability. By the end of the year, the Economic and Organized Crime Office (EOCO) interrogated over 30 government officials, including current and past government ministers implicated in the scandal, while 3 companies made commitments to refund approximately 55 million Cedis to the government. The “GYEEDA Scandal” follows on the heels of another major corruption scandal, known as the “Woyome Scandal,” involving NDC financier Alfred Woyome, who was arrested and charged with fraud in 2012. The case continued through the end of the year.

During 2013, the government took some positive steps in addressing the problem of corruption. The Commission on Human Rights and Administrative Justice (CHRAJ) in June proposed a budget of \$33 million over the next 10 years for the implementation of the National Anti-Corruption Action Plan (NACAP). However, parliament was unable to pass the NACAP by year’s end. Ghana ranked 63 out of 177 countries surveyed in the 2013 Corruption Perceptions Index published by Transparency International (TI). Meanwhile, the 2013 Global Corruption Barometer, another TI report, found that the sectors where Ghanaians perceived the highest levels of corruption were the police, political parties, and the judiciary. According to the 2013 Global Corruption Barometer, 38 percent of Ghanaians who interacted with the educational system reported paying bribes, while 79 percent of those who interacted with the police reported making illegal payments.

NGOs demanded greater government accountability and transparency. In the run-up to the 2012 elections, government spending spiked significantly due to increases in civil service wages, causing many donors to question the administration’s ability to meet its fiscal targets in 2013. Although the government received international praise for introducing revenue-management legislation within the oil and gas industry in 2012, NGOs have voiced concerns about government compliance with the legislation. Furthermore, a Right to Information Bill aimed at increasing government transparency has not yet been passed by Parliament, though it was approved by the cabinet.

## **Civil Liberties: 47 / 60**

### **D. Freedom of Expression and Belief: 14 / 16**

Freedom of expression is constitutionally guaranteed and generally respected in practice. Ghana has a diverse and vibrant media landscape that includes state and privately owned television and radio stations, and several independent newspapers and magazines. However, the government occasionally restricts press freedom through harassment and arrests of journalists reporting on politically sensitive issues. In March, two photojournalists from state-owned newspapers were brutally beaten by security officials while they were taking photos of Mahama during Ghana’s Independence Day celebrations.

The Ghana Journalist Association (GJA) and the Media Foundation for West Africa condemned the attack and demanded an immediate probe. The Ghana Armed Forces conducted an investigation of the incident and in April exonerated the military personnel involved of any misconduct. However, public uproar over the exoneration led the country's chief of defense staff in May to apologize to the photojournalists and say they would be compensated.

Despite the repeal of criminal libel and sedition laws in 2001, another law prohibiting "publishing false news with intent to cause fear or harm to the public or to disturb the public peace" has at times been loosely applied. On July 2, the Supreme Court found Ken Kuranchie, editor in chief of the *Daily Searchlight* newspaper, guilty of criminal contempt and sentenced him to 10 days in jail over two editorials that criticized the Supreme Court's handling of part of the case challenging the 2012 presidential election. The president of the GJA condemned the ruling as a violation of Kuranchie's freedom of speech and a challenge to media freedom in Ghana.

Religious freedom is constitutionally and legally protected and largely respected in practice by the government. During 2013, there were no major reports of government or societal abuses of religious freedom. Academic freedom is legally guaranteed and upheld in practice.

#### **E. Associational and Organizational Rights: 11 / 12**

The rights to peaceful assembly and association are constitutionally guaranteed and generally respected. Permits are not required for meetings or demonstrations. NGOs are generally able to operate freely and play an important role in ensuring government accountability and transparency. Under the constitution and 2003 labor laws, workers have the right to form and join trade unions. However, the government forbids action in a number of essential industries, including fuel distribution, public transportation, and the prison system.

#### **F. Rule of Law: 12 / 16**

Judicial independence in Ghana is constitutionally and legally enshrined. While the judiciary has demonstrated greater levels of impartiality in recent years, corruption remains an important challenge as courts lack necessary resources and judges are poorly paid. Generally, the government and private interests comply with judicial decisions. The NPP's acceptance of the Supreme Court's August 29 ruling on the election challenge underscores the legitimacy of the judiciary. Initiatives to improve the judicial process have reaped positive results. The Accra Fast Track High Court and automated commercial courts have enhanced the speed and efficiency of the judicial process, while a judicial complaints unit has actively investigated cases of judicial impropriety. Many prisoners experience lengthy pretrial detention.

There were numerous reports of police brutality, negligence, and corruption in 2013. In May, police personnel from the Accra Regional Command were allegedly caught on video brutally assaulting land guards, prompting the inspector general of police, Mohammed Ahmed Alhassan, to order an immediate investigation.

The Police Intelligence and Professional Standards Unit (PIPS) has attempted to improve the image of the police by investigating cases of police misconduct. Alhassan in July 2013 said that between 2010 and June 2013, 108 police officers were fired for involvement in criminal activities and that 371 had received sanctions or demotions during that period.

Ghana's prisons are overcrowded and conditions are often life-threatening. In June, the CHRAJ encouraged Ghana's ratification of the UN Optional Protocol to the Convention against Torture as a mechanism to ensure more humane treatment of inmates. The government continues to cooperate with the UN Refugee Agency to protect the rights of the almost 20,000 refugees and asylum seekers in Ghana. However, a report launched in June by the Human Rights Advocacy Center (HRAC) found inadequate health and sanitation conditions at the Ampain Refugee Camp, which houses Ivorian refugees.

Although communal and ethnic violence occasionally flares in Ghana, there were no reports of such incidents during the year. Moreover, violent crime rates have declined, and there were no major acts of political terror.

Ghanain law prohibits "sexual intercourse with a person in an unnatural manner." However, it is unclear if this law applies to same-sex sexual activity between consenting adults and there were no reports of adults being prosecuted for same-sex sexual activity. Ghana's LGBT community continued to face societal discrimination. In January, a nominee to Mahama's cabinet, Nana Oye, faced stiff opposition and condemnation from religious and other societal groups for her support of human rights for the LGBT community.

#### **G. Personal Autonomy and Individual Rights: 10 / 16**

Economic freedom in Ghana continues to improve. According to the 2014 Economic Freedom Index Ghana ranked 66th in the world and 5th in sub-Saharan Africa. More specifically, the country recorded a marginal increase in its economic freedom score due to improvements in business freedom, control of government spending and corruption. Nonetheless, weak rule of law, corruption, and an under regulated property rights system remain important impediments to economic freedom and business confidence.

Bribery is common practice for those trying to gain access to the nation's public services. These span interactions with traffic police, gaining admittance to educational institutions, starting a business, and registering property.

Despite equal rights under the law, women suffer societal discrimination, especially in rural areas where opportunities for education and wage employment are limited. However, women's enrollment in universities is increasing, and there are a number of high-ranking women in the current government: 6 members of the current cabinet are women, while women won 30 of the 275 seats in the December 2012 parliamentary elections.

Women continue to be affected by domestic violence and rape, and the practice of female genital mutilation continues in northern Ghana. In 2013, HRAC reported a high incidence of violence against girls in schools, while a 2012 HRAC study found that on average, two spousal

murders were reported every month. According to a March 2013 statement by Minister of Gender, Children, and Social Protection Nana Oye Lithur, the government has worked to combat gender-based violence by expanding the police's domestic violence and victim support unit to 97 locations, creating gender-based violence courts in Accra and Kumasi, establishing domestic violence shelters, and providing training for police and service providers likely to encounter domestic violence situations.

Ghana serves as a source, transit point, and destination for the trafficking of women and children for labor and sexual exploitation. The police's Anti-Human Trafficking Unit (AHTU) maintains nine regional units, but they are underfunded and have limited capacity. In 2012, the AHTU received 117 reported cases of suspected trafficking.

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

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